



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706-1255 • (208) 373-0502

Dirk Kempthorne, Governor
C. Stephen Allred, Director

December 17, 2003

Certified mail no.: 7099 3220 0006 2682 6790

RETURN RECEIPT REQUESTED

Mr. David L. Wessman
U.S. Department of Energy
Idaho Operations Office (NE-ID)
1955 Fremont Avenue
Idaho Falls, ID 83401-1216

Dear Mr Wessman:

Enclosed are two Notices of Violation (NOVs) resulting from a Resource Conservation and Recovery Act (RCRA)/Hazardous Waste Management Act (HWMA) inspection conducted at the Idaho National Engineering Laboratory (INEEL) on August 25 – 29, 2003. One NOV addresses violations observed and documented at facilities under the control of DOE and BBWI. The other NOV addresses violations observed and documented at the Advanced Mixed Waste Treatment Project (AMWTP), operated by DOE and BNFL, Inc. The enclosed NOVs have also been transmitted to BBWI and BNFL, via separate correspondence.

Please note that DEQ has assessed penalties for the alleged violations based on DEQ policy and/or Idaho law. DEQ considers each of the violations identified at the AMWTP to be recalcitrant. The violations reflect failure to remedy deficiencies documented by BNFL personnel during facility inspections. DEQ has previously informed DOE and their contractors of the requirement to remedy deficiencies during inspections and via Notices of Violation dated May 25, 1999 and August 7, 2000. In the resulting Consent Orders, DOE and their contractors agreed to implement, maintain, and continue to use a documented process to ensure that all deficiencies found on RCRA inspections are properly recorded, tracked, and resolved.


Of the violations addressed in the NOV issued to DOE and BBWI, two were similarly identified to be recalcitrant. Violation Number 3 reflects failure of DOE/BBWI to remedy an emergency equipment deficiency documented by BBWI personnel during their facility inspections. Violation Number 5 pertains to DOE/BBWI's failure to maintain the secondary containment system (SCS) in a permitted hazardous waste container storage area at the Waste Experimental Reduction Facility (WERF) Waste Storage Building (WWSB). DEQ previously cited DOE and BBWI for failure to maintain the SCS in this area by Warning Letter dated December 9, 2002. DEQ also informed DOE and BBWI of DEQ's position regarding SCS maintenance and repair by letter dated May 7, 2003.

DEQ is seeking the cooperation of DOE, BBWI, and BNFL, Inc. in resolving these matters to the full satisfaction of the parties. DOE is advised to contact DEQ within fifteen (15) days after receipt of this letter. At such time, DEQ will schedule a meeting at a mutually agreeable date and time, at which the Notice of Violation can be discussed. If DOE elects not to meet with DEQ on the alleged violations, DEQ will seek resolution of these matters using its authorities as provided by law. Arrangements to meet should be made by contacting D. Michael Gregory at (208) 373-0502 or at the following address:

D. Michael Gregory
Hazardous Waste Enforcement Coordinator
Hazardous Waste Program
Waste Management and Remediation Division
Idaho Department of Environmental Quality
Boise, Idaho 83706-1255

Thank you in advance for your prompt attention to this matter. DEQ is confident that we can work cooperatively to resolve these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian R. Monson", with a long horizontal flourish extending to the right.

Brian R. Monson
Hazardous Waste Program Manager
Waste Management and Remediation Division

Enclosure

BRM:NM:bm

c: Darrell Early, Deputy Attorney General
D. Michael Gregory, DEQ Waste Management and Remediation Division
Robert Bullock, DEQ Waste Management and Remediation Division
Kathleen Trever, INEEL Oversight
James S. Johnston, Administrator, Idaho Falls Regional Office
Source File (INEEL, Compliance Enforcement)
COF